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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,329	08/02/2001	Victor Kouznetsov	NAI1P278/01.017.01	7400

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EXAMINER

NGUYEN, MINH DIEU T

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 08/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/922,329

Applicant(s)

KOUZNETSOV ET AL.

Examiner

Minh Dieu Nguyen

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/6 and 7/7/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the communication dated July 7, 2005 with the amendments to claims 1 and 10 and the cancellation of claims 5 and 14.

Claims 1-4, 6-13 and 15-18 are pending.

### ***Information Disclosure Statement***

2. The patent applications listed in the information disclosure statement filed June 6 and July 7, 2005 have been considered.

### ***Response to Arguments***

3. Applicant's arguments filed July 7, 2005 have been fully considered but they are not persuasive.

Upon further search, a new ground(s) of rejection is made in view of Abdelnur et al. (6,789,204), Vogel et al. (6,816,900), Fanning et al. (6,742,023) and Shaw (6,381,741).

### ***Double Patenting***

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA

Art Unit: 2137

1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-2, 4, 6-7, 9, 10-11, 13, 15-16 and 18 provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 6 and 8 of copending Application No. 09/921521 in view of Shaw (6,381,741). Although the conflicting claims are not identical, they are not patentably distinct from each other because the present application is obvious in view of the copending application. The copending application discloses the same limitations as the present application with the exception of awaiting for another response from another service providing server if the verifying is unsuccessful.

Shaw discloses a method and system for secure down-loading, recovery and upgrading of data comprising awaiting for another response from another service providing server if the verifying is unsuccessful (col. 4, lines 35-37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of awaiting for another response from another service providing server if the verifying is unsuccessful, as Shaw teaches, so as to continuously obtain the secure services.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2, 6, 8, 10-11, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abdelnur et al. (6,789,204) in view of Vogel et al. (6,816,900), in view of Fanning et al. (6,742,023) and further in view of Shaw (6,381,741).

a) As to claims 1 and 10, Abdelnur discloses a method and apparatus for sharing resources in a peer-to-peer network environment (col. 1, line 65 to col. 2, line 9) comprising broadcasting a request over the network by a requesting peer for a task with respect to a remote non-local backend server (col. 8, lines 40-42; Fig. 5, element 510); receiving a response to the request from the service-providing server (Fig. 5, element 535).

Abdelnur does not disclose verifying a digital certificate of the response issued by the remote non-local backend server indicating that the responding service-providing server is trusted for the requested task.

Vogel discloses a system for supporting secure network connections using certificates comprising verifying a digital certificate issued by the remote non-local backend server indicating that the responding service-providing server is trusted for the requested task (col. 4, lines 10-15; i.e. prior to sending information to a requesting

server, Internet browsers verify whether that server is a trusted server. A server is a trusted server when a certificate sent from that server is verified by the receiving client).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of verifying a digital certificate certificate issued by the remote non-local backend server indicating that the responding service-providing server is trusted for the requested task in the system of Abdelnur as Vogel teaches so as to ensure the information are safe for use and come from a trusted source.

Vogel discloses if verifying is successful, a secure connection between client and server is established for sending information and he also discloses a server identified by its URL (col. 10, line 66 to col. 11, line 6). However, Abdelnur and Vogel do not disclose forwarding the task to the responding peer for performance of the task by the responding server.

Fanning discloses a method for securely distribution of data files between users in a peer-to-peer network comprising forwarding the task to the responding peer for performance of the task by the responding server (Fig. 4, col. 12, lines 25-27).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of forwarding the task to the responding peer for performance of the task by the responding server in the system of Abdelnur and Vogel as Fanning teaches so as to makes available the data file to other users.

Shaw discloses a method and system for secure down-loading, recovery and upgrading of data comprising awaiting for another response from another service providing server if the verifying is unsuccessful (col. 4, lines 35-37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of awaiting for another response from another service providing server if the verifying is unsuccessful, as Shaw teaches, in the system of Abdelnur, Vogel and Fanning so as to continuously obtain the secure services.

b) As to claims 2 and 11, the examiner takes official notice that use of digital certificate is a 1024 bit VeriSign digital certificate is well known to one of ordinary skill in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of 1024 bit VeriSign digital certificate in the system of Abdelnur, Vogel and Fanning so as to achieve higher security and file integrity.

c) As to claims 6 and 15, Fanning discloses broadcasting a message indicating that the requesting peer has located the responding service-providing server (col. 12, lines 8-13; where downloading from the server would necessitate the reception of a message that the requestor has located the responding server).

d) As to claims 8 and 17, Abdelnur discloses the request specifies a post method (col. 4, lines 32-35).

8. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abdelnur et al. (6,789,204) in view of Vogel et al. (6,816,900) in view of Fanning et al. (6,742,023) and further in view of Christensen et al. (2002/0169842).

Abdelnur, Vogel and Fanning do not disclose the step of verifying verifies that the local alias URL is approved by the non-local backend server for the requested task.

Christensen discloses a method and system for allowing networks of integration framework installations and other compatible server to interoperate comprising the step of verifying verifies that the local alias URL is approved by the non-local backend server for the requested task (Fig. 2; page 8, paragraph [0116]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of verifying the local alias URL is approved by the non-local backend server for the requested task in the system of Abdelnur, Vogel and Fanning as Christensen teaches so as to effectively authenticate the server.

9. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abdelnur et al. (6,789,204) in view of Vogel et al. (6,816,900) in view of Fanning et al. (6,742,023) and further in view of Ritter (2004/0199474).

Abdelnur, Vogel and Fanning do not disclose the step of placing the responding server in a black list if the verifying is unsuccessful.

Ritter discloses placing the responding server in a black list if the verifying is unsuccessful (page 5, paragraph [0061]; page 6, paragraph [0074]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of placing the responding server in a black list if the verifying is unsuccessful in the system of Abdelnur, Vogel and Fanning as Ritter teaches so as to effectively maintain the security of communication system to avoid the invalid servers.



10. Claims 7, 9, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abdelnur et al. (6,789,204) in view of Vogel et al. (6,816,900) in view of Fanning et al. (6,742,023) and further in view of Tsai (2005/0015721).

a) As to claims 7 and 16, Abdelnur, Vogel and Fanning do not disclose receiving the local alias URL from the responding peer, the local alias URL pointing to a destination on a responding server node.

Tsai discloses receiving the local alias URL from the responding peer and the local alias URL pointing to a destination on a responding server node (paragraph [0027]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of receiving the local alias URL from the responding peer, the local alias URL pointing to a destination on a responding server node in the system of Abdelnur, Vogel and Fanning as Tsai teaches so as to efficiently facilitate distribution of data.

b) As to claims 9 and 18, Abdelnur, Vogel and Fanning do not disclose the task is an uploading task and the step of forwarding the task to the local alias URL includes forwarding a file to be uploaded to the remote non-local backend server.

Tsai discloses the task is an uploading task (Fig. 2) and the step of forwarding the task to the local alias URL includes forwarding a file to be uploaded to the remote non-local backend server (paragraphs [0029-0030]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of uploading the task and forwarding the task to the local

alias URL including forwarding a file to be uploaded to the remote non-local backend server in the system of Abdelnur, Vogel and Fanning as Tsai teaches so as to let user send files to other voluntarily.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873. The examiner can normally be reached on M-F 6:00-2:30.

Art Unit: 2137

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Minh Dieu Nguyen  
Examiner  
Art Unit 2137

mdn  
8/23/05

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER